Workers' Compensation Early Return-to-Work/Transitional Duty Program Instructions and Procedures

It is our mission to provide the highest quality services to the citizens of New Orleans as efficiently and as cost effectively as possible. In saying this, we realize that our human resources are our greatest asset. Therefore, we are committed to retain as many experienced employees as possible. It is our intention to provide employees who have temporary physical restrictions with the opportunity to return or remain on the payroll during periods of temporary partial incapacity. The program will be coordinated by the CAO's office and is effective immediately.

I. EARLY RETURN-TO-WORK/TRANSITIONAL DUTY PROGRAM

The Chief Administrative Office has developed the following Transitional Duty Policy for the City of New Orleans. The City reserves the right to modify the policy as the program matures. This policy will be reviewed annually.

Program Explanation

Transitional Duty is employment that allows an injured worker to return to duty in the employee's original department or another department with pre-approved transitional assignments where he or she may perform modified duties, while under physical restrictions, as set forth by the treating physician, until he or she is capable of returning to full duty. The transitional duty employment may last up to one (1) year.

The program is a means of minimizing the length of time of disability resulting from a work related injury and is sometimes referred to as a light/modified duty program.

Then program allows the City to provide an employee who is temporarily unable to perform the full scope of the pre-injury job classification with productive work. If work is available for the employee who has temporary physical restrictions, and the work does not violate the restrictions, the employee can be required to work. **Refusal to accept a Transitional Duty job assignment may constitute grounds to terminate Workers' Compensation benefits.**

II. GOALS OF THE RETURN-TO-WORK PROGRAM

To provide the earliest possible safe return to work for employees after occupational related injuries or illnesses.

To give employees more options in returning to work than only being able to return with a full duty release.

To retain qualified tenured employees with City government thereby utilizing their expertise, training, and seniority.

To facilitate a safer working environment by accepting more responsibility for injured workers.

To reduce medical cost of Workers' Compensation claims due to extended work absence.

To reduce indemnity payments of Workers' Compensation claims when employees are capable of performing transitional services for the citizens of New Orleans.

III. BENEFITS OF THE RETURN-TO-WORK PROGRAM

- 1. Reduce Workers' Compensation Insurance Cost: Every parish government/company has the opportunity to reduce the amount of money paid annually for Workers' Compensation Insurance through a strong return-to-work program. This is successfully accomplished through the reduction of the frequency and severity of injuries.
- 2. <u>Reduce Injury Severity:</u> Through the return of employees to productive roles as soon as possible following an injury, the City will minimize the severity of costs involved in Workers' Compensation.
- 3. <u>Decreased Injury Frequency</u>: In many cases where strong return-to-work programs are instituted, there is a drop in frequency of injuries. Companies have stated that they attribute this to two factors. First, they see an increase in company morale and awareness for safety through the visibility of a return-to-work program. Secondly, those employees who have traditionally taken advantage of the Workers' Compensation system are less likely to continue since returning to work takes away incentive to report fraudulent claims.
- 4. Reduction of Indirect Cost of Injuries: The hidden uninsured cost of injuries generally exceeds the insured costs by 1 to 5 times. Through a decrease in frequency and severity of injuries, and a strong return-to-work effort, the City will reduce the hidden cost of injuries. The following is a partial list of the more common indirect cost:
 - a) Wages paid to the injured employee- other than Workers' Compensation
 - b) Production delays and interruptions
 - c) Overtime to meet production schedules
 - d) Hiring back-up employee
 - e) Training a new employee
 - f) Decreased output of injured employees on return to work
 - g) Submitting accident and injury information to the insurance company.
 - h) Investigating the accident
 - i) Building, tool, or equipment damage
 - j) Product or material damage
 - k) Medical supplies furnished within the company
 - I) Having another employee accompany the injured employee to the clinic.

- 5. <u>Avoid Costly Litigation</u>: As a general rule, the longer the employee is off work, the better chances are of him/her engaging an attorney. This may be through the injured workers' initiative or by attorneys who specialize in this faction of the law. It is quite obvious that the absence of a concentrated effort to quickly return employees to work will eventually result in litigation.
- 6. Reduce Changes of Permanent Disability and Vocational Rehabilitation: Experts within the field of rehabilitation contend that the psychological aspect is often more critical to return a person to productive role that the actual physical aspect of injury. If an injured worker is quickly placed back in a productive and stimulating role, the corresponding psychological progressing will be accelerate.
- 7. <u>Minimize Medical Care Expenses</u>: If an injured employee is returned to the work environment immediately, or as soon as possible after an injury has occurred, the chances of a permanent disability are minimal. In addition, the short and long term corresponding medical expenses will be greatly reduced through an early return to modified work and eventually to the normal job.
- 8. Accelerate the Injured Workers' Recovery: Experts in rehabilitation report that an injured employee placed in modified or restricted work will return to his/her regular job much sooner than if remaining off work and at home. Many employees placed on temporary modified work duties will decide on their own to return to their normal jobs before the length of modified duty runs out. If an employee indicates a desire to return to his/her regular job, this should first be cleared with the attending physician.
- 9. <u>Eliminate Malingerers</u>: Commonly, employees off work on WC injury will stay off work longer than necessary and malinger. If all employees with a potentially disabling injury are returned to modified work, malingerers will be effectively eliminated.
- 10. <u>Eliminate "Rip-Off's" of the Workers' Compensation System</u>: Traditionally a small percentage of employees will decide it is convenient to have lost time injuries whenever they want. They complain to a doctor of lower back pain and insist they cannot return to work. A strong return-to-work program will eliminate this type of rip-off immediately.
- 11. Reduce Employee Turnover: Studies in accident prevention reveal that those companies with a high incidence of injuries and lost time will have a high turnover in employment. Conversely, those with low frequency and severity of injuries have lower rate of employee turnover. A strong return-to-work program is one way of reducing injury frequency and severity.
- 12. <u>Maintain an Experienced Work Force</u>: Bringing injured employees back to work right after an injury will aid in maintain an experienced work force at all times. In many instances, it will eliminate the need of hiring a back-up employee or training a new employee.

- 13. Improved Employee/Management Relations: Contrary to what city government/company officials may feel, the majority of their employees would rather be working in some fashion or another than remain off work at home. In addition, these employers like to see the small percentage of employees who malinger get back to work. The effect of this return-to-work process will increase your employees' respect for management by imposing a blanket of consistency for dealing with everyone in your operation.
- 14. <u>Promote Employee Morale and Security</u>: At times, when an employee is off work due to Workers' Compensation injury, he/she may become concerned when no one from the City contacts them and may wonder if the job will be there upon return. In some cases, the employee will contact a lawyer to determine his/her rights. Bringing employees back to work immediately will eliminate this feeling of insecurity and promote City Morale.
- 15. <u>Improve the Work Ethic</u>: If the Workers' Compensation system is allowed to be abused, ripped off, or taken advantage of, work ethic will decline appreciably. If employees are returned to a productive role as soon as possible following an injury, there will be an atmosphere and attitude of productivity. This process will demonstrate that an employee is paid a good wage for an honest day's work.
- 16. Decrease Chances of Re-injury Upon Return to Normal Duty: In some instances, employees have become injured or re-injured upon returning to their normal job after being off for several weeks. During this time away from work, little or no physical activity occurs. The employee gains weight and the muscles of the body lose their conditioning. Bringing employees back to a productive role as soon as possible will minimize the re-occurrence of injury.
- 17. <u>Humanitarian Approach</u>: The prevention of an employee from permanent disability or vocational rehabilitation is a prime motivation of return-to-work programs. Other than the enormous expense involved, the humanitarian concerns of the employees are paramount. The description of the change in lifestyle and human psychology is disheartening once a person is permanently disabled. To prevent injured employees from becoming permanently disabled and a burden to themselves, their families, and society, is a rewarding effort in pursuit of humanity.

IV. **DETAILED PLAN OF IMPLEMENTATION**

Department plans should include the following procedures, components and policies. A successful Return-to Work Plan should be based on medical prognosis and recovery, not on a calendar date. Transitional work should be available until an employee reaches maximum improvement or one year, whichever first occurs. The department should refer all medical issues to attention of HGI, Inc. The department should fax or e-mail all claims to HGI, Inc. at phone (504) 681-6147 or fax (504) 681-5532 within 24 hours of actual or constructive notice. Departments are encouraged to expand upon this, as specific services would require.

Each department should have a transitional return-to-work team. This team should be formulated by members of human resources, safety, and management representatives. The team should reflect the needs of department in its size, frequency of meeting and detail of action. This would be in relation to the number of lost-time claims a department generates.

The scope of the team will be to review and have oversight on all lost-time workers' compensation employees under their authority. This scope would include the review of job modifications, job tasking, task identification, and compliance with policy, completing transitional return-to-work plans, oversight of plans, facilitating success of plans, and reporting results of actions in a quantitative manner of the transitional return-to-work program.

The team should meet every 30 days to review all workers' compensation transitional return-to-work issues. If a department has no active lost time claims there would be no need to meet. In these meetings, the team may choose to have input from the Office of Risk Management and HGI. One of the team's first acts will be to implement the process of job tasking within its domain. Job tasking is defined as detailing each specific job task performed by a position. This should be done for each position of injury for which an employee is receiving workers' compensation benefits. There is no need for repetition of job tasking with each new occurrence. However, if the team has not already job-tasked a position when a claim occurs, it should be done at that time.

For the first list of job tasks for each position, a master list of transitional tasks will be complied. The team will keep a working file of job tasks for each position under its domain for which a lost-time claim has occurred, as part of its working documentation. These job task files will be used when an employee is injured to identify transitional job duties to which the employee can be returned.

The department should complete a transitional return to work plan with the supervisor and representative from the Return-to-Work team. The specific job task, hours, duty assignment and physical restrictions should be included. The plan should be revised by all and approved by all. The department will hold a return to work meeting with the employee before returning to work and review the plan. This plan is to be updated every 30 days as it relates to the employee returning to full duty.

The length of the program shall be defined as one year, or until the employee has reached MAXIMUM MEDICAL IMPROVEMENT, whichever first occurs. HGI will assume the responsibility to conduct all communications with treating medical personnel. The department is directed not to have direct contact with the treating medical personnel unless HGI has given approval.

When reviewing an individual employee's eligibility for return-to-work options, the following criteria should be followed:

Assess the job tasks of the employee's pre-injury position and what transitional tasks are still applicable to current physical restrictions.

If absolutely no job task in the position and immediate area in which the employee is working are suitable, the next immediate area in the same position should be addressed.

The team should determine if necessary, if there are additional services that can be rendered or tasks performed by the injured employee that are not within the written description but would improve the overall function of the department. It makes sense for the team to evaluate whether within the department, are there any tasks that can be performed that would be more beneficial to the City having the injured worker performing no duties and being paid to sit at home. This level may require Civil Service detailing.

If a person is entering a jeopardy zone of risk of termination due to exhaustion of sick leave, the department should notify HGI.

Before an employee is terminated due to exhaustion of sick leave and annual leave his file should be documented as to the efforts that have been made to identify transitional work tasks in the department and the barriers encountered in identifying said tasks. There should be a detailed explanation of action taken to overcome these barriers. A licensed rehabilitation counselor will be provided to help identify transitional job tasks to assist in returning the worker to transitional work. If the employee reached maximum medical improvement and is unable to resume the preinjury position, additional vocational options may be addressed.

The department's necessity to terminate the employee should also be documented at the time. This documentation should include evidence that the licensed rehabilitation counselor has been unable to identify any types of transitional job tasks that would improve service to the taxpayers of that department. This is best handled by requesting copies of the vocational rehabilitation consultant reports given to HGI.

The City recognizes the necessity of having to terminate injured workers who have exhausted sick leave and annual leave. This practice, while permissible, should be considered as a measure of last resort. Departments should supply documentation to reflect that efforts have failed to return an injured employee to work.

V. TYPES OF DUTIES AVAILABLE FOR TRANSITIONAL POSITIONS

It is often difficult to come up with new positions to accommodate the restrictions an employee may have due to work-related injury. Below are some suggestions for placing employees back to work. Please note that this is not an inclusive list and departments are encouraged to use creativity to develop Transitional Day Positions.

Back Injuries

These injuries usually have low weight restrictions (i.e. Not able to lift over 10 lbs.) and may appear to be impossible to accommodate. However, some suggested positions include:

- Washing trucks/equipment
- Inventory work/check in of merchandise or equipment
- Forklift operation
- Inspection of containers
- General cleaning
- Clerical duties (filing, typing, etc.)

- Answering phones/telemarketing
- Painting/maintenance
- Safety training (watching videos, reading manuals)

Arm or Wrist Injuries

These injuries may have restrictions based on one arm only. Please remember that this does not render an employee helpless, it just may take longer to do with one hand arm. Also the dominant use of hands needs to be considered.

- Inventory work/check in of merchandise or equipment
- Clerical (filing, typing, etc.)
- Inspection of containers
- Computer input
- Answering phones/telemarketing
- Safety training (watching videos, reading manuals)

Leg, Knee or Foot Injuries

These injuries usually carry restrictions that limit the amount of time able to stand. Remember that if you can stand for 4 hours per day, you may meet the restrictions and still benefit under the Return-to-Work Program. Also keep in mind that a position may be able to be done effectively if the employee is provided with a chair or stool.

- Packing/taping/labeling of boxes
- Inventory work/checking in of merchandise or equipment
- Clerical (filing, typing, etc.)
- Computer Input
- Answering Phones/telemarketing
- Safety training (watching videos, reading manuals)

As we previously stated these are only partial listings. Some departments may be able to create new positions temporarily for workers who have restrictions due to work related injuries.

One thing to keep in mind is whether or not the position an employee held prior to the accident is within current restrictions. If not, can the position be modified in any way for the employee to still be able to work (i.e. some duties removed that do not fall within the restrictions.) This is one of the best forms of transitional duty because an employer does not have to hire another person; a co-worker may be used to help fill any voids due to restrictions.

VI. AVAILABLE POSITIONS

The CAO will maintain a database of available positions, along with job duties/descriptions, for use throughout the city in furtherance of the light/modified duty program. For placement of

employees job descriptions will be provided to departments upon request. Interested departments will contact CAO-Personnel for placement of employees and provide the Light/Modified Duty Form along with the employee's physician's written approval of the assignment.

VII. PAYROLL

Weekly timesheets must be completed during the light/modified duty assignment and initialed by the departmental supervisor to which the employee is temporarily assigned. Supervisors charged with oversight of the light/modified duty employee must return the timesheet to the employee's regularly assigned department for weekly payroll processing. Supervisors of light/modified duty employees will report any failures to report and any failure to complete assigned duties to the employee's originating department and CAO-Personnel.

VIII. PHYSICIAN RELEASE

Upon receipt of the physician's release of an employee, the employee will return to regular work status, with his/her originating department for normal duties within their respective job description. A copy of the physician's release will be forwarded to and maintained by the originating department, CAO-Personnel, CAO-Office of Risk Management and HGIs' Compensation.